EDERAL ELECTION COMMISSION SECRETARIAN

7001 JUN -4 A 11: 42

FEDERAL ELECTION COMMISSION 999 E Street, N.W. Washington, D.C. 20463

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRAL: 00L-07 DATE ACTIVATED: 4/06/01

EXPIRATION OF STATUTE OF

LIMITATIONS: 9/02/04

STAFF MEMBERS: Donald E. Campbell

Thomas J. Andersen

SOURCE:

INTERNALLY GENERATED

RESPONDENTS:

Friends of Dave Eshleman and

Joe Rodriguez, as treasurer

RELEVANT STATUTE:

2 U.S.C. § 434(a)(6)(A)

INTERNAL REPORTS CHECKED:

Disclosure Reports

Referral Materials

FEDERAL AGENCIES CHECKED:

None

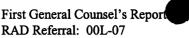
I. **GENERATION OF MATTER**

The Office of the General Counsel ("OGC") received a referral from the Reports Analysis Division ("RAD") on November 2, 2000. The basis of the referral is the failure of Friends of Dave Eshleman and Joe Rodriguez, as treasurer ("Respondents"), to file two 48-Hour notifications ("48-Hour Notices"), for contributions from the candidate totaling \$60,000. Dave Eshleman lost the 1999 Special General Election in the Forty-Second Congressional District in the State of California (CA/42) with seven percent (7%) of the vote.



Based on the Factual and Legal Analysis, see Attachment 1, this Office recommends the Commission find reason to believe that Respondents violated 2 U.S.C. § 434(a)(6)(A).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY



RECOMMENDATIONS IV.

- 1. Open a MUR.
- 2. Find reason to believe that Friends of Dave Eshleman and Joe Rodriguez, as treasurer, violated 2 U.S.C. § 434(a)(6)(A), and enter into conciliation prior to a finding of probable cause to believe.
- 3. Approve the attached Factual and Legal Analysis and conciliation agreement, and the appropriate letter.

Lois G. Lerner **Acting General Counsel**

BY:

Acting Associate General Counsel

Attachments:

- Factual and Legal Analysis 1.
- 2. **Proposed Conciliation Agreement**



FEDERAL ELECTION COMMISSION Washington, DC 20463

SENSITIVE			
CIRCULATIONS	DISTRIBUTION		
Open Session	Closed Session		
The attached is s Meeting of	submitted as an Agenda document for the Commission		
SUBJECT:	RR00L-07- First General Counsel's Report		
DATE:	June 4, 2001		
FROM:	Office of General Counsel		
MEMORANDUM TO:	Office of the Commission Secretary		
STATES OF T			

CIRCULATIONS	DISTRIBUTION	
SENSITIVE NON-SENSITIVE	COMPLIANCE	\boxtimes
72 Hour TALLY VOTE	Open/Closed Letters	
24 Hour TALLY VOTE	MUR DSP	
24 Hour NO OBJECTION	STATUS SHEETS	
INFORMATION	Enforcement Litigation PFESP	
96 Hour TALLY VOTE	RATING SHEETS	
	AUDIT MATTERS	
	LITIGATION	
	ADVISORY OPINIONS	
	REGULATIONS	
	OTHER	П